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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/726,102	12/02/2003	Ciprian Agapi	BOC9-2003-0074 (445)	4811
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AKERMAN SENTERFITT P. O. BOX 3188 WEST PALM BEACH, FL 33402-3188			EXAMINER COLUCCI, MICHAEL C	
			ART UNIT 2626	PAPER NUMBER
			MAIL DATE 01/11/2008	DELIVERY MODE PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

Application No.

10/726,102

Applicant(s)

AGAPI ET AL.

Examiner

Michael C. Colucci

Art Unit

2626

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☐ Responsive to communication(s) filed on \_\_\_\_.
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 17 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date 03/22/2004.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_.
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_.

## DETAILED ACTION

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/09/2007 has been entered.

### ***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claim 10 rejected under 35 U.S.C. 102(e) as being anticipated by Ehsani et al USPGPUB 20020032564 A1 (hereinafter Ehsani).

Re claim 10, Ehsani teaches a method for creating speech recognition callflow for an application ([0221]), comprising the steps of:

placing a symbolic representation of a prompt into a workspace of a graphical user interface for creating the speech recognition callflow for the application ([0221]),

said prompt defining a query requesting a value for a variable ([0221] & Fig. 4), wherein said placing generates within said application an instruction to present said query to a user ([0024]);

assigning an individual option ([0162]) and a pre-built grammar ([0031] & Fig. 5) to the symbolically represented prompt ([0221]), wherein said assigning generates within said application an instruction to process a speech input responsive to said presented query, using at least one among said pre-built grammar and said new option ([0215]), wherein said pre-built grammar includes phrases associated with valid values for said variable, and wherein said new option comprises a user-defined phrase associated with a valid value for said variable ([0162])

if the individual option is a potential valid match to a recognition phrase or an annotation in the pre-built grammar, recognizing that the individual option is a potential valid match ([0162]) and responsively configuring the individual option to point to an entry in the pre-built grammar ([0198]); and

if the individual option fails to be a potential valid match to the recognition phrase or the annotation ([0082]) in the pre-built grammar ([0162]), determining that the individual option fails to be a potential valid match and configuring the individual option as a new entry in a new grammar automatically constructed to hold the new entry ([0162]), the new entry having text corresponding to text of the individual option ([0162]), the text of the new entry being both a recognition string and an associated annotation ([0082]).

NOTE: For prior art purposes, an annotation is construed to be both functionally equivalent and effective as an abbreviation, date, time, and text.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claim \*\*\*\* rejected under 35 U.S.C. 103(a) as being unpatentable over Ehsani et al USPGPUB 20020032564 A1 (hereinafter Ehsani) in view of Del Monte US 5704060 A (hereinafter Del Monte).

Re claims 1, 11, and 19, Ehsani teaches a method for creating a speech recognition application callflow for an application ([0221]), comprising the steps of:

placing a symbolic representation of a prompt into a workspace of a graphical user interface for creating the speech recognition callflow for the application ([0221]), said prompt defining a query ([0221] & Fig. 4), requesting a value for a variable, wherein said placing generates within said application an instruction to present said query to a user ([0024]);

attaching to the prompt representation at least one among a pre-built grammar ([0031] & Fig. 5) selected by a user and a user-entered ([0236]) individual new option entered by the user using the graphical user interface ([0221]), wherein said attaching

generates within said application an instruction to process a speech input responsive to said presented query using at least one among said pre-built grammar and said new option ([0215]), wherein said pre-built grammar includes phrases associated with valid values for said variable, wherein said new option comprises a user-defined phrase associated with a valid value for said variable ([0162]);

repeating the steps of placing and attaching for each other request to be included in the callflow steps until the speech recognition callflow has been completed (Del Monte col 24 line 56 – col 25 line 18).

Del Monte teaches a text storage and retrieval system where data is added to a list if it is not already present (215) and test conditions such as ranking (212) and threshold comparison (203) are performed. Del Monte also teaches a dictionary matching function 141 that compares words stored in the metafile's word vector table 21 to the list of words stored in the standard and archive dictionary files 35, 36. If a match is found, the dictionary matching function 141 replaces the word in the word vector table 21 with a reference to the dictionary entry containing the word. If a match is not found, the matching function 141 adds the word to the archive dictionary 36, and then replaces the word in the word vector table 21 with a reference to the new word in the dictionary 36. During the dictionary matching process, the word vector table 21 is maintained in a sorted, ascending order, according to the magnitude of the dictionary references.

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention the repetition of the steps of placing a symbolic representation into a workspace of a graphical user interface for speech/voice recognition, where the user

is queried for information relative to pre-built and new grammar. Repeating a procedure, particularly when the user is directly involved would be necessary to allow a database/grammar to be updated with new user entries, and can terminate when a users list of information is concluded. A system that allows for current data to be retrieved as well as new data that can become part of a database/grammar would allow for a more robust recognition of speech when the application is performed in or out of edit mode, where a system can learn independently once a user edits the call flow for a voice application accordingly.

Re claims 2, 12, and 20, Ehsani teaches the method of claim 1, wherein the step of attaching the pre-built grammar comprises the step of selecting the pre-built grammar from a list of pre-built grammars ([0244]).

Re claims 3 and 13, Ehsani teaches the method of claim 2, wherein the method further comprises the step of searching the list of pre-built grammars ([0086]) for matches to the user-entered individual new option ([0162]).

Re claims 4 and 14, Ehsani teaches the method of claim 3, wherein if a match exists between a listed pre-built grammar and the user-entered ([0236]) individual new option ([0162]), then the user-entered individual new option ([0244]) points to an equivalent said matching pre-built grammar ([0198]).

Re claims 5 and 15, Ehsani teaches the method of claim 3, wherein if no match exists between the list of pre-built grammars and the user-entered ([0236]) individual new option ([0162]), then the user-entered individual new option ([0244]) forms a part of the list of pre-built grammars ([0162]).

Re claims 6 and 16, Ehsani teaches the method of claim 1, wherein the pre-built grammars are selected from the group comprising VoiceXML ([0231]) and custom-built grammars from a library ([0225]).

Re claims 7 and 17, Ehsani teaches the method of claim 1, wherein the method further comprises the step of enabling a customized user selective output ([0225]) of the pre-built grammar ([0244]).

Re claim 8, Ehsani teaches the method of claim 1, wherein the method supports prototyping without knowledge of a grammar structure by a user ([0162]).

Re claims 9 and 18, Ehsani teaches the method of claim 3, wherein if no match exists between the list of pre-built grammars and the user-entered option, then the phrase in said option is added to said pre-built grammar ([0162]).



***Conclusion***

6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure US 6714905 B1, US 5617578 A, US 5940797 A, US 5812977 A, US 6064961 A, US 5903867 A, US 4864501 A, US 5970460 A.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael C. Colucci whose telephone number is (571)-270-1847. The examiner can normally be reached on 9:30 am - 6:00 pm, Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richemond Dorvil can be reached on (571)-272-7602. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Application/Control Number:  
10/726,102  
Art Unit: 2626

Page 9



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